

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER OF FORFEITURE/ <u>MONEY JUDGMENT</u>
US COMPOUNDING, INC,	:	
Defendant.	:	24 Cr. ____ (____)
-----	x	

WHEREAS, on or about July 9, 2024, US COMPOUNDING, INC, (the “Defendant”), was charged in an Information, 24 Cr. ____ (the “Information”), with conspiracy to commit mail fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and drug adulteration and misbranding conspiracy, in violation of Title 18, United States Code, Section 371 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense;

WHEREAS, the Information included a forfeiture allegation as Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 334 and Title 28, United States Code, Section 2461(c), any and all drugs that were adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 331(11), 344, or 355 of this title have been introduced into interstate

commerce (the “Forfeitable Property”), including but not limited to a sum of money in United States currency representing the value of forfeitable property;

WHEREAS, on or about _____, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 334 and Title 28, United States Code, Section 2461(c), a sum of money in United States currency representing (i) the amount of proceeds traceable to the offense charged in Count One of the Information; and (ii) the value of the Forfeitable Property charged in Count Two of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$4,239,778 in United States currency, representing (i) the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained; and (ii) the value of the Forfeitable Property charged in Count Two of the Information; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Count One of the Information that the Defendant personally obtained and the Forfeitable Property charged in Count Two of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Sarah Mortazavi and David Felton, of counsel, and the Defendant and their counsel, Rizwan A. Qureshi, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$4,239,778 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, and the value of the dissipated Forfeitable Property charged in Count Two of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, US COMPOUNDING, INC, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made in consultation with the Government to determine the appropriate method of payment.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment, subject to Paragraph 18 of the Plea Agreement between the United States of America, by and through the United States Attorney’s Office for the Southern District of New York, and the Defendant.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

2/9/24
DATE